

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
CITY OF BOSTON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO: 03-12415-RWZ
REINAUER TRANSPORTATION)	
COMPANIES, LLC,)	
)	
Defendant.)	
_____)	

CITY OF BOSTON'S MOTION IN LIMINE

The City of Boston (the "City") hereby moves for an order of this Court that, based upon the facts set forth in the pleadings, the City has established a prima facie case of negligence against the defendant under the authority set forth in *The Oregon*, 158 U.S. 186 (1895), which the defendant must rebut by a preponderance of the evidence, and, further, that the defendant may not rely on authority contained in *The Pennsylvania*, 86 U.S. (19 Wall) 125 (1874), to rebut said presumption of negligence. The grounds for this motion are set forth in the memorandum of law filed herewith.

By its attorneys,

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